

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FRANKLIN R. DRAKE,

Plaintiff,

v.

ORDER
08-CV-771A

STANISLAV KARAHUTA, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 2, 2009, defendants filed a motion for summary judgment. On January 25, 2010, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion be granted in part and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motion is granted in part and denied in part.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA

DATED: February 17, 2010

UNITED STATES DISTRICT JUDGE